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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 16 April 2002 from the Permanent Mission of the Republic of Bulgaria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, as requested in paragraph 6 of Security Council resolution 1390 (2002) and in accordance with the Chairman's note dated 7 March 2002, has the honour to transmit herewith the national report of the Republic of Bulgaria on the measures that have been taken to implement resolution 1390 (2002) (see annex).*

The Permanent Mission of the Republic of Bulgaria to the United Nations has the honour to kindly request that the report is circulated as a document of the Security Council.

* The enclosure referred to in the report is on file with the Secretariat, room S-3055, and is available for consultation.

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Annex to the note verbale dated 16 April 2002 from the Permanent Mission of the Republic of Bulgaria to the United Nations addressed to the Chairman of the Committee

Republic of Bulgaria

National report to the Security Council Committee established pursuant to resolution 1267 (1999) on the measures that have been taken to implement Security Council resolution 1390 (2002)

Bulgaria is fully committed to cooperating with the Committee established by the Security Council pursuant to resolution 1267 (1999) to implement and enforce, inter alia, the mandatory measures contained in resolution 1390 (2002).

In implementing resolution 1373 (2001) the Republic of Bulgaria has submitted its National Report on its counter-terrorism activities to the Security Council Counter-Terrorism Committee on December 24th, 2001. The report covers in detail all measures that the country either has taken or will take in the fight against terrorism[1].

With the present report the Bulgarian Government would like to bring to the attention of the SC Committee, established pursuant to resolution 1267 (1999), the information related both to the national implementation of res. 1390 and to additional legislative and administrative measures taken by the Government in the fight against terrorism following the submission of the National Report on the implementation of resolution 1373 (2001).

Legislative action

Presently legislative enactments and administrative measures are being taken to freeze and prevent the activities of individuals and organizations, whose funds and assets can be used to finance terrorists or terrorist groups.

Legislation in force

The Republic of Bulgaria **has ratified the International Convention for the Suppression of the Financing of Terrorism** of 1999[2]. By ratifying this Convention the Republic of Bulgaria has become a Party to all twelve UN conventions against terrorism.

On March 25, 2002, the Government of the Republic of Bulgaria adopted the necessary enabling legislation in order to implement Security Council resolution 1390. The adopted to this effect **Council of Ministers Decree No. 65** has modified and introduced amendments to the previous Decree[3] on the implementation of SC resolution 1267 (1999). As of April 2, 2002, Bulgarian domestic laws satisfy the requirements of resolution 1390.

The provisions of operative paragraph (op) 2, sub-paragraph (a), of resolution 1390 are implemented in paragraphs §1 and §3, point 4 of the Council of Ministers Decree No. 65/2002.

The provisions of op 2, sub-paragraph (b), of res. 1390 are implemented in paragraph §3, point 6 of Decree No. 65/2002.

[1] The report has been published as a UN document № S/2001/1273.

[2] The ratification law on the Convention has been promulgated in the State Gazette, issue No. 11/31.01.2002.

[3] Decree of the Council of Ministers No. 39 of 2000.

The provisions of op 2, sub-paragraph (c), of res. 1390 are implemented in paragraph §3, point 1 of Decree No. 65/2002.

The provisions of the Decree No.65/2002 will be accordingly introduced to the List of countries and organizations, against which a ban or restrictions on the sales or delivery of arms and related equipment were imposed under the UN Security Council resolutions, EU and OSCE decisions.

An English translation of Decree No. 65 is enclosed.

Planned legislative measures

Bearing in mind the connection between the implementation of res. 1373 and res. 1390 the following planned legislative measures are relevant to further improve the enactment of the latter:

1. A draft Law on **Amendments to the Criminal Code** has been drawn up in the beginning of 2002. This draft is of special importance due to the inclusion of a legal definition of the term "terrorism". The draft inserts a special text into to the Criminal Code (article 108a) penalizing terrorism and acts of financing of terrorism as *separate crimes*. The draft amendments to the Criminal Code also provide for punishment for setting up, leadership and participation in a terrorist group; preparation for commitment of a terrorist act; instigation to perpetrate terrorism through speech and terrorist threats. The draft provides for confiscation of the property of those committing terrorist acts and those financing such activities, as well as confiscation of funds and assets used for financing of terrorism. The Council of Ministers has already approved the draft Law on Amendments to the Criminal Code and its consideration and approval by the National Assembly is forthcoming.

2. The elaboration of a draft Law on **the Measures against Financing of Terrorism** is at its final stage. This draft defines the measures against financing of terrorism, the organization and control required for their implementation and the administrative and legal responsibility in case of breaches of the law. The drawing up of this draft is a part of the measures taken in the execution of resolution 1373 (2001). The Council Regulation[4] No. 2580/2001 on the specific restrictive measures in the fight against terrorism to be enforced against individuals and legal entities was also taken into account. The Council of Ministers is expected to approve by the end of April 2002 the draft Law on the Measures against Financing of Terrorism and to submit it to the National Assembly for consideration and adoption.

3. On 4 February 2002 a draft Law on **Amendments to the Law on Foreign Trade in Arms and Dual-use Goods and Technologies**[5] was submitted for consideration to the National Assembly. The draft enlarges the scope of the Law, making it more precise, introducing licenses for brokering activities and defines the cases where a permit is necessary for exporting arms and dual-use goods or technologies. The draft also provides for a substantial increase of sanctions in case of breach of law.

4. A draft Law on **Amendments to the Law for Control of Explosives, Firearms and Ammunitions** was approved on 19 February 2002 by the Council of Ministers The purpose of the draft is to improve the system in terms of issuing licenses for activities with explosives, firearms and ammunitions, to introduce a strict and efficient system of control (including follow-up control) and to provide for clear and

[4] Regulation of the EU Council of 27 December 2001.
[5] State Gazeta, issue No.102/1995.

concise rules for such activities under the law in force. The modifications include introduction of a Single Automated Central Register as part of the police force with the aim to uncover, prevent and suppress crimes. The draft law has been submitted to the National Assembly and its adoption is expected during the second half of 2002.

5. In the draft **Commercial Navigation Code,** prepared by the Ministry of Transport and Communications, the provisions regulating the procedures for employment of foreign citizens on Bulgarian ships have been made more precise. Issuance of permits in such cases is to be done by the Minister of Transport and Communications. The texts pertaining to the issuance of authentication for work certificates to foreign citizens have been made more precise. These texts provide for inquiries to the administration in charge of issuing of the document regarding its authenticity.

6. At the end of March 2002 the Ministry of Interior prepared a draft Strategy on Crime Suppression, which has become the basis for elaboration of a National Strategy to counter crime.

Executive action

In addition to enacting the necessary legislation, the Bulgarian Government established shortly after the terrorist attacks on the United States on 11 September 2001 an inter-ministerial working group on anti-terrorism under the auspices of the Ministry of Interior and the Ministry of Justice to closely monitor measures taken to combat terrorist acts. The group is entrusted with examining the legal steps and law enforcement initiatives, including those concerning financial aspects that are being taken by other States and that should also be considered by Bulgaria. Priority is given to the ongoing processes within the United Nations and the European Union.

The group comprises representatives from: Ministry of Interior; Ministry of Justice; Ministry of Foreign Affairs; Ministry of Economy; Ministry of Finance; Ministry of Transport and Communications; Agency for Refugees; National Service "Border Police"; Office of the Chief Prosecutor; National Police Service Directorate; National Security Service; National Service for Combating Organized Crime. The members of the group exchange information related to their respective areas of responsibility and advice on new steps to be taken to fulfill international obligations related to the fight against terrorism.

Since the adoption of resolution 1390 the group is entrusted with its effective enforcement by enhancing capacity to collect and deal with relevant information or evidence concerning suspicious funds and persons. These administrative and practical measures reflect the high priority being given to the effective implementation of resolution 1390.

The actions of the Republic of Bulgaria to identify and freeze the activities of persons and organizations, whose funds can be used to finance terrorists or terrorist groups are being organized and enacted mainly by the Bulgarian National Bank (BNB) and the Financial Intelligence Agency (FIA). In implementing the relevant resolutions of the UN Security Council BNB, in cooperation with FIA, has begun to conduct immediate check-ups and to take concrete steps since October 2001.

The relevant to res. 1267 international lists of persons and entities have been sent to all trade banks - Bulgarian and foreign, operating on Bulgarian territory, as well as to all specialized services of the Ministry of Interior and Customs Agency. To date over

900 individuals, groups, organizations, foundations and entities on the lists have been checked for bank accounts, financial assets and economic resources, owned or controlled, directly or indirectly, on our territory. An analysis is carried out on the incoming information about established similarities or matches between names from the lists. So far, the reported cases are based on partial similarities (a minimum of two out of three names) on the lists, together with marching birth dates and/or nationality and evidence of bank transactions related to such individuals or organizations.

Services with police functions at the Ministry of Interior continue to execute the measures to uncover and prevent terrorist activities on the territory of the Republic of Bulgaria.

Special working groups have been set up with the aim to:

- improve results in the suppression of terrorism;
- collect, sum up and analyze the information received by the police forces;
- coordinate and improve the efficiency of interaction between the State agencies.

By their nature these activities are related to strengthening the border patrol forces and the control over the issuance of identification documents for foreign citizens residing in the country.

In order to set up stricter regulations and control over individuals who apply for permit to purchase or own firearms, practical measures have been undertaken to introduce an information system "Control over Dangerous Means". A system of methods and technologies for marking explosives is at its final stage of completion. Legislative amendments to the laws have also been proposed.

Measures taken to strengthen the protection and the check-in regime in guarded areas /Nuclear Power Station "Kozloduy", "Lukoil Neftohim Burgas Inc., etc./ continue to be implemented, as well as those concerning foreign institutions and offices. An optimal security in view of ensuring safety of airports, flights, railway stations and other places of mass public access is being maintained.

The active exchange of information through the Rapid Reaction System within the frames of CIREFI[6] has continued in 2002 in form of direct interaction to counter illegal migration nets.

In order to raise the specialized and professional level of training of the police officers in the fight against terrorism and in implementation of the Program for training of the officials of the Ministry of Interior to suppress the international terrorism, since the beginning of February 2002 a thematic training plan was approved. The purpose of this plan is to train the police officers in meeting obligations stemming from the international law agreements, to which the Republic of Bulgaria is a Party, for suppressing and punishing different forms of terrorism, the relevant EU law, the legislative acts of the Republic of Bulgaria related to the prevention of terrorism, bilateral and multilateral international agreements providing for counter-terrorism cooperation, as well as in carrying out specific tasks and activities by the Services of the Ministry of Interior in the fight against international terrorism.

[6] Centre d'information, reflexion et échange dans le domaine des frontières et de l'immigration.

Within the Ministry of Transport and Communications there is an ongoing project entitled "Building and Introducing a Corporate System for information security integrated into INTRANET, the Bulgarian Telecommunications Company-PLC".

This project has two phases. Up to now Phase 1 has been implemented. It includes:

- installing software security;
- introduction of a system for detecting breaches of access to information resources;
- complete corporate anti-virus defense with a centralized WEB-based management and means for protection of virtual private nets.

Phase 2 is in a process of implementation. It includes:

- upgrading and optimizing the software security installed during Phase 1;
- preparation and implementation of a project "System for access control to corporate information resources on the basis of PKI technology (digital certificates)".

The laws concerning supplies to ships sailing under the Bulgarian flag are strictly observed.

At the present moment a "VTMAS" system is under construction. It includes monitoring, control and information services for the traffic of ships.